

ORIGINAL

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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DUNKIN' DONUTS FRANCHISED  
RESTAURANTS LLC,  
DUNKIN' DONUTS FRANCHISING LLC,  
BASKIN-ROBBINS FRANCHISED  
SHOPS LLC  
DD IP HOLDER LLC,  
BR IP HOLDER LLC and  
DB REAL ESTATE ASSETS I LLC,

Plaintiffs,

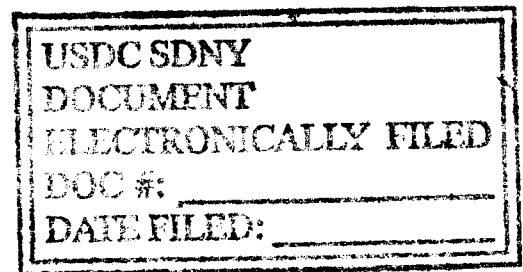
v.

GANPATI DONUTS, INC.,  
SHREE RAM DONUTS, INC.,  
LAXMI DONUTS, INC.,  
KRISHNA DONUTS, INC.,  
GIATRI DONUTS INC.,  
SHREEJI DONUTS, INC.,  
AMISH PATEL and  
AMI PATEL,

Defendants.

: Case No. 08-CV-4218 (WCC)

: ECF CASE

ORDER TO SHOW CAUSE

Upon the annexed **Certification of Ronald D. Degen**, pursuant to Local Rule 6.1(d), and all the other papers submitted herewith in support of the motion of Plaintiffs Dunkin' Donuts Franchised Restaurants LLC, Dunkin' Donuts Franchising LLC, Baskin-Robbins Franchised Shops LLC, DD IP Holder LLC, BR IP Holder LLC and DB Real Estate Assets I LLC for a preliminary injunction and order:

1. Enjoining Defendants Ganpati Donuts, Inc., Shree Ram Donuts, Inc., Laxmi Donuts, Inc., Krishna Donuts, Inc., Giatri Donuts Inc., Shreeji Donuts, Inc., Amish Patel and Ami Patel from using the Dunkin' Donuts and Baskin-Robbins trademarks, trade name and trade dress at their businesses located at 676-682 Broadway, Newburgh, New York, 201 North Plank Road, Newburgh, New York, 1002 Route 94, Vails Gate, New York, 310 Main Street, Highland Falls, New York, 45 Quaker Avenue, Cornwall, New York and 122-126 South Robinson

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Avenue, Newburgh, New York;

2. Enjoining Defendants Ganpati Donuts, Inc., Shree Ram Donuts, Inc., Laxmi Donuts, Inc., Krishna Donuts, Inc., Giatra Donuts Inc., Shreeji Donuts, Inc., Amish Patel and Ami Patel to perform their post-termination obligations under their Franchise Agreements, including ceasing all use of Dunkin' Donuts and Baskin-Robbins Proprietary Marks and information and any methods associated with the names Dunkin' Donuts and Baskin-Robbins; and

3. Enjoining Defendant Ganpati Donuts, Inc. to perform its post-termination obligations under its Lease, to vacate the Premises 676-682 Broadway, Newburgh, New York, and to surrender possession thereof to DB Real Estate Assets I LLC; and sufficient cause therefor appearing, it is

**ORDERED**, that Defendants Ganpati Donuts, Inc., Shree Ram Donuts, Inc., Laxmi Donuts, Inc., Krishna Donuts, Inc., Giatra Donuts Inc., Shreeji Donuts, Inc., Amish Patel and Ami Patel show cause before Honorable William C. Conner, United States District Judge, on the 1<sup>st</sup> day ~~May~~ <sup>June</sup> 2008, at 9:30 o'clock in the forenoon of that day or as soon thereafter as counsel can be heard, at the United States Court House at 300 Quarropas Street, White Plains, New York 10601, why an order should not be entered granting Plaintiffs' motion for a preliminary injunction enjoining Defendants from using the Dunkin' Donuts and Baskin-Robbins trademarks, trade name and trade dress at their businesses located in Orange County, enjoining them to perform their post-termination obligations under their Franchise Agreements, and requiring Defendant Ganpati Donuts, Inc. to vacate the Premises of the former Dunkin' Donuts and Baskin-Robbins restaurant located at 676-682 Broadway, Newburgh, New York, and surrender possession thereof to Plaintiff DB Real Estate Assets I LLC; and it is further

**ORDERED**, that opposition papers, if any, must be served on Plaintiffs' attorneys and electronically filed with the Clerk of the Court, and a courtesy copy must be submitted to Honorable William C. Conner, on or before the 23<sup>rd</sup> day of May 2008; and it is further

*ur* ✓ **ORDERED**, that reply papers, if any, must be served on Defendants or their attorneys and electronically filed with the Clerk of the Court, and a courtesy copy must be submitted to Honorable William C. Conner, on or before the 29<sup>th</sup> day May 2008; and it is further

*ur* ✓ **ORDERED**, that service of a copy of this Order and the papers upon which it is made upon Defendants by overnight carrier on or before the 8<sup>th</sup> day of May 2008 be deemed good and sufficient service.

*SO ORDERED.*

Dated: White Plains, New York

*v* May 7, 2008

*William C. Conner*  
**WILLIAM C. CONNER**  
United States District Judge